

COHENMILSTEIN

Douglas J. McNamara
(202) 408-4651
(202) 408-4699
dmcnamara@cohenmilstein.com

VIA ECF

June 10, 2021

The Honorable Joanna Seybert
United States District Judge
U.S.D.C., Eastern District of New York
100 Federal Plaza, Courtroom 1030
Central Islip, NY 11722

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Re: *In re Hain Celestial Heavy Metals Baby Food Litigation*, Case No. 2:21-cv-00678-JS-AYS; *Albano, et al. v. Hain Celestial Group, Inc., et al.*, Case No. 2:21-cv-01118-JS-AYS Request for Consolidation

Dear Judge Seybert:

We represent Plaintiffs Lori-Anne Albano, Myjorie Philippe, Rebecca Telaro, and Alyssa Rose in the action titled, *Albano, et al. v. Hain Celestial Group, Inc., et al.*, Case No. 2:21-cv-01118-JS-AYS (“Albano”), which is currently assigned to Your Honor. Pursuant to Paragraphs 3 and 5 of the Court’s Consolidation Order of May 13, 2021 (Docket No. 47) in *In re Hain Celestial Heavy Metals Baby Food Litigation* (“Hain Consolidated Actions”), Plaintiffs request that Albano be consolidated with the Hain Consolidated Actions.

As the Court is aware, the Albano action alleges similar consumer protection claims as those alleged in the Hain Consolidated Actions. In its Consolidation Order of May 13, 2021, the Court denied consolidation of Albano, without prejudice, and stated that a request for consolidation of Albano could be renewed at a later time if the parties requested reassignment to the Court and raised the issue of consolidation. *See id.* ¶ 3. Albano was reassigned to the Court on May 20, 2021.

Additionally, in light of the Court’s Consolidation Order and the order denying centralization issued by the Judicial Panel on Multidistrict Litigation on June 7, 2021, Plaintiffs in Albano anticipate amending their complaint to exclude the non-Hain defendants, subject to the Court’s approval. Plaintiffs have already secured agreement from Beech-Nut Nutrition Company to file said amended complaint and expect that they will secure an agreement from all

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the Defendants. Plaintiffs' amendment will obviate the need for the Defendants to file motions to sever. Plaintiffs also expect to file the appropriate motion for leave to amend in the coming days. Should the motion be granted, Plaintiffs will be able to file the amended complaint promptly. Accordingly, Plaintiffs respectfully request consolidation of Albano with the Hain Consolidated Actions.

Plaintiffs thank the Court for its attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas J. McNamara". The signature is written in a cursive, flowing style.

Douglas J. McNamara